



U.S. Department of Justice

*United States Attorney
Northern District of New York
Civil Division*

*c/o Social Security Administration
Office of the General Counsel
26 Federal Plaza, Room 3904
New York, New York 10278*

*tel: (212) 264-3650, x.233
fax: (212) 264-6372
email: Karen.M.Ortiz@ssa.gov*

September 16, 2006

RECEIVED

SEP 17

**CHAMBERS OF
LAWRENCE E. KAHN
U. S. DISTRICT JUDGE**

BY FIRST CLASS MAIL

Hon. Lawrence E. Kahn
U.S. District Judge
James T. Foley U.S. Courthouse
445 Broadway, Room 424
Albany, New York 12207-2926

Re: Colleen S. Davis v. Commissioner of Social Security, Civil Action No. 06-0287

Dear Judge Kahn:

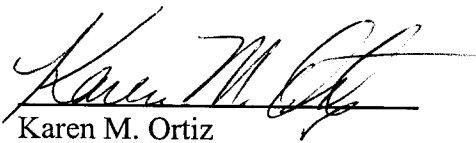
The undersigned Special Assistant United States Attorney writes to respectfully request approval of the attached Stipulation and Order in the above action.

Thank you.

Very truly yours,

CHRISTOPHER J. CHRISTIE
United States Attorney

BY:


Karen M. Ortiz
Special Assistant U.S. Attorney

Enclosure

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COLLEEN S. DAVIS,

Plaintiff,

v.

JO ANNE B. BARNHART, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
SEP 28 2006
LAWRENCE K. BAERMAN, CLERK
ALBANY

Civil Action No. 06-0287

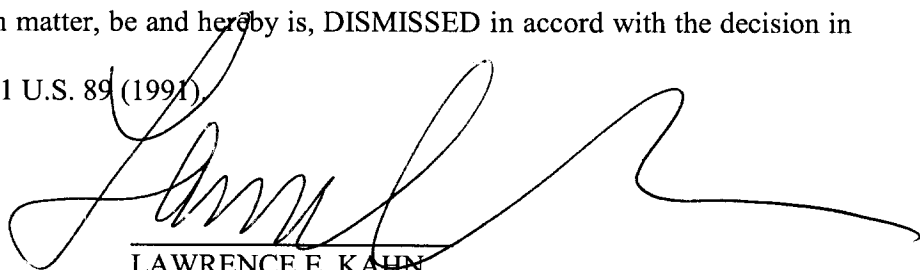
**CONSENT ORDER TO
REMAND PURSUANT TO
SENTENCE 4 OF
42 U.S.C. §405(g)**

This matter having been opened to the Court by GLENN T. SUDDABY, United States Attorney for the Northern District of New York, and KAREN M. ORTIZ, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this day of , 200 ;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).

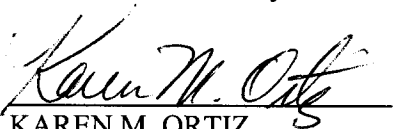

LAWRENCE E. KAHN
United States District Court Judge

9/26/06

The undersigned hereby consent to the form and entry of the within order.

GLENN T. SUDDABY
United States Attorney

By:


KAREN M. ORTIZ
Special Assistant U.S. Attorney
Bar No. 513873

AMDURSKY, PELKY, FENNELL
& WALLEN, P.C.
26 East Oneida Street
Oswego, New York 13126

By:


GREGORY R. GILBERT, ESQ.
Attorney for Plaintiff